

Amendment  
Serial No. 10/509,759  
Attorney Docket No. 042704

**REMARKS**

By the present amendment, claim 1 has been amended to recite that layer (a) is a biaxially birefringent layer. Support is found throughout the specification, for example, on page 6, line 23.

Further, claim 6 has been cancelled.

Also, new claims 18-21 have been added. Support for the added recitations is found in the original application, in particular on page 4, lines 8-17.

Claims 1-5 and 7-21 are pending in the present application. Claim 1 is the only independent claim.

In the Office Action, claims 1-4 and 7-13 are rejected under 35 U.S.C. 101 as claiming the same invention as claims 1-4 and 10-16 of co-pending application Serial No. 10/501,959 (“the ‘959 application”).

The rejection is respectfully traversed. Present claim 1 recites that layers (a) and (b) are polymers, whereas claim 1 of the ‘959 application does not include these limitations. Further, claim 4 of the ‘959 recites layer (a) being a polymer layer but no claim of the ‘959 recites layer (b) being a polymer layer.

In view of the above, it is submitted that the rejection should be withdrawn.

Next, in the Office Action, claims 5 and 14-17 are rejected under the judicially created doctrine of obviousness-type double patenting as obvious over claims 1-4 and 10-16 of the ‘959 application, and claim 6 is rejected under the same doctrine as obvious over claims 1-4 and 10-16 of the ‘959 application in view of US 5,625,474 to Aomori (“Aomori”).

Amendment  
Serial No. 10/509,759  
Attorney Docket No. 042704

A Terminal Disclaimer is submitted with this paper in this application. Accordingly, it is submitted that the rejection should be withdrawn.

Next, in the Office Action, claim 6 is rejected under 35 U.S.C. 112, second paragraph, as indefinite. The Examiner alleges that it is unclear how the transparent film (b) can be a polarizer given the required low birefringence.

Claim 6 has been cancelled by the present amendment. Accordingly, it is submitted that the rejection is moot.

Next, in the Office Action, claims 1-5, 7-9, 11-12, and 14-17 are rejected under 35 U.S.C. 102(b) as anticipated by US 5,750,641 to Ezzell ("Ezzell"), claim 6 is rejected under 35 U.S.C. 103(a) as obvious over Ezzell in view of Aomori, and claims 10 and 13 are rejected under 35 U.S.C. 103(a) as obvious over Ezzell in view of US 6,359,669 to Dehmloew ("Dehmloew").

It is alleged in the Office Action that Ezzell discloses a negatively birefringent polyimide film coated onto a transparent isotropic substrate, so that formulae I to III of the present claims are met.

The rejections are respectfully traversed. Ezzell specifies that "[a]ll the films showed uniaxial type symmetry in which  $n_x=n_y>n_z$ " (Ezzell at col. 12, lines 42-43). In contrast, the present birefringent layer (a) is a biaxially refringent layer. Specifically, this feature is inherent in formula (II) of claim 1, because the ratio  $(n_x-n_z) / (n_x-n_y)$  could not be calculated for the uniaxially birefringent film of Ezzell in which  $n_x=n_y$ . Claim 1 has been amended by the present amendment to clarify that layer (a) is a biaxially birefringent layer.

Amendment  
Serial No. 10/509,759  
Attorney Docket No. 042704

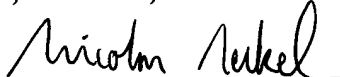
In view of the above, it is submitted that the rejections should be withdrawn.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

If there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

If this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 50-2866.

Respectfully submitted,  
**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Nicolas E. Seckel  
Attorney for Applicants  
Reg. No. 44,373  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

NES/rep